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 9 BAY AREA RAPID TRANSIT DISTRICT

10

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

11 JEROME L. GRIMES,	)	Case No. C 07 80138-MISC. CW
12 Plaintiff,	)	REQUEST FOR JUDICIAL
13 v.	)	NOTICE IN SUPPORT OF
14 (BART) BAY AREA RAPID TRANSIT,	)	MOTION TO DISMISS ACTION
15 ( <u>Transportation</u> ) ( <u>Non-Police Agency</u> ); VIVENCIO	)	BASED ON FAILURE TO STATE
16 GONZAGA ( <u>AKA</u> : Vincent Flores) (BART Janitor	)	A CLAIM UNDER FRCP RULE
17 <u>07/09/03 Civilian Employee</u> ); KEN "KENNETH"	)	12(b)(6); OR IN THE
18 DAM (Community Service Assistant, for, BART)	)	ALTERNATIVE FOR ORDER
19 ( <u>07/09/03 Civilian Employee</u> ); BRUCE TURNER	)	REQUIRING PLAINTIFF TO
20 (BART RUN # <u>225, 07/09/03, 1819 hrs. (1806 hrs.)</u> ,	)	PROVIDE A MORE DEFINITE
21 ( <u>07/09/03 Civilian Employee</u> ) (Terrorist Benjamin	)	STATEMENT (FRCP RULE 12(e));
22 Arnold Turner's <u>Foster</u> Relative/Co-Conspirator	)	AND TO STRIKE PUNITIVE
23 07/12/86 Co-Child Abduction,	)	DAMAGES UNDER FRCP RULE
24 Defendants.	)	12(f))

25 Date: August 7, 2007  
 26 Time: 2:00 p.m.  
 27 CtRm 2, 4<sup>th</sup> Floor

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28 Defendant Bay Area Rapid Transit District ("BARTD") hereby request that pursuant to Federal  
 Rule of Evidence 201, this Court take judicial notice in the above entitled case of the following matters  
 and documents of public record:

29 1. All pleadings including but not limited to, plaintiff Jerome Grimes' complaint filed on  
 30 November 5, 2004, and any and all papers in support of dispositive motions filed therein, in *Grimes v.*  
*31 Bay Area Rapid Transit District Police Department et al.*, Northern District Case No. C 04-4691 EDL.  
 32 A copy of the complaint in Case No. C 04-4691 EDL. is attached hereto as Exhibit "A."

2. Any and all pleadings filed in the instant action (*Grimes v. Bay Area Rapid Transit et al.*, C 07 80138-MISC. CW.), including but not limited to plaintiff Jerome Grimes' complaint filed on May 30, 2007. A copy of the complaint is attached hereto as Exhibit "B."

3. Any and all pleadings filed in *Grimes v. BART*, Case No. 05-16839, in United States Court of Appeals for the Ninth Circuit. A copy of the 9th Circuit's judgment, accompanying memorandum and denial of petition for rehearing of plaintiff's appeal is attached hereto as Exhibit "C."

4. Any and all public records, rulings and or legislative enactments confirming and establishing that BARTD is a public entity.

Dated: June 18, 2007.

LOW, BALL & LYNCH

By /s/ Dale L. Allen, Jr.  
DALE L. ALLEN, JR.  
JOSHUA M. BRYAN  
Attorneys for Defendant  
BAY AREA RAPID TRANSIT DISTRICT

52



# EXHIBIT A

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIAORIGINAL  
FILED

NOV 5 2004

1 Jerome L. Grimes,

2 Plaintiff,

3 v.

4 1. (BART) Bay Area Rapid Transit Police Department, et., al.,  
(Off. Ken Dam #J-214)  
5 Defendants.RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CIVIL COMPLAINT NO.Under U.S.C. 28,  
Due Process Clause-  
VIOLATION- Of The  
Fourteenth AmendmentRights, U.S. Constitu-  
tion: "Right To The  
Preservation Of ~~Evidence~~  
Exonerating/Exculpatory  
Evidence.", Willful  
Misconduct, FRAME-UP,  
Conspiracy, Penal Code  
136.1(b), and,  
Covert Terrorism.EDL  
C 04 - 4691

## I. Jurisdiction

This civil complaint is made under the jurisdiction of, U.S.C. 28, Violation of Due Process Rights, Fourteenth Amendment Rights, U.S. Constitution, "Right To The Preservation Of Exonerating/Exculpatory Evidence, i.e., Richmond Bound BART Trains Cars: RUN#:225 July 09, 2003, 1819 hours scheduled arrival(ACTUAL ARRIVAL 1806 HOURS) at the, FREMONT BART STATION'S Train's Platform, Fremont, California 94538";VIDEO SURVEILLANCE TAPES (MULTIPLE VIDEOS), Onboard, the, Interior, of this said, BART Train RUN#: 225, July 09, 2003, 1819 hrs. Willful Misconduct: Intentional Premeditated Refusal To Produce This EXONERATING Evidentiary Materials: MULTIPLE, Video Surveillance Tapes, FRAME-UP: Arrest For Grand Theft Bicycle - Plaintiff Imprisoned For MORE THAN 72 Hours, Conspiracy; To False Imprison, Etc., Penal Code 136.1(b): Dissuading/Interferring With The Plaintiff's Attemp To Report Co-Conspirator: ACTUAL Grand Theft Bicycle Perpetrator, Chardel Malone, PFN: APK014, CDC#: H-59892, and, Covert Terrorism.

## II. Plaintiff

The plaintiff resides at, 263 Vernon Street, San Francisco,

1 California 94132.

2 III. Defendants

3 The defendants are, State Actors, doing business in, Northern  
4 California, at the, Bay Area Rapid Transit (BART) TRANSPORTATION  
5 Police Department, 800 Madison Street, and, 205 Alice Street, Both,  
6 in, Oakland, California 94607, who employed, State Actor, Ken Dam,  
7 BART Badge Number: J-214, who willful, intentionally, and, maliciously,  
8 hid the, BART Train's Cars' RUN#:225, July 09, 2003, 1819 Hours, the  
9 most important information necessary to ascertain the whereabouts of  
10 a specific BART Train's, Destination, Time, as well as, Any, and, ALL,  
11 ONBOARD, Video Surveillance Tapes Evidences.

12 IV. Causes Of Action

13 On, July 09, 2003, the plaintiff, was, (FALSE) Arrestted, Onboard,  
14 Richmond Bound BART Train's Cars, RUN#: 225, July 09, 2003, 1819 Hours  
(1806 Hours), at the, Fremont BART Station's Train's Platform, in,  
15 Fremont, California 94538. SEE: BART Police Report Number: 03-30211,  
16 And, Fremont Police Report Number: 030709072, Incident Date: 07/09/03

17 Plaintiff, Verbally, Charged The Police Authorities, With The,  
18 FACT, that, He,(the plaintiff), was, Innocent, and that, ALL, of the,  
19 ONBOARD, Video Surveillance Tapes, on, BART Train's Cars, RUN#: 225,  
20 July 09, 2003, 1819 Hours(1806Hours). This, Verbal, Charging Of  
21 Knowledge, was given to the, Police Authorities, (1) ONE, Hour, after,  
22 the, (FALSE) Arrest, ALLEGED, Misidentification Of The Plaintiff, as  
23 the, Grand Theft Bicycle Perpetrator. At, 1935 Hours, on, July 09, 2003  
24 this above mentioned, Verbal, Charging Of Knowledge, was, Audio-  
25 Cassette Tape Recorded, by, Reporting Officer, Amy Boyd #2906, which  
26 left, (71) SEVENTY-ONE, Hours, for the, Police Authorities, to,  
27 Retrieve, the, FUNCTIONING, Onboard, BART Train's, Video Surveillance

1 Tapes, to, EXONERATE, the, Plaintiff, Jeron L. Grimes, who, was,  
2 ONBOARD, the, Richmond Bound BART Train's Cars, RUN#:225, July 09, 2003  
3 1819 Hours(1806 Hours ACTUAL, Arrival Time), at the, EXACT-SAME TIME,  
4 as the, Grand Theft Bicycle Crime, was, OCCURRING, at a , Performance  
5 Bicycle Stores, located at, 39121 Fremont Hub, Fremont, California  
6 94538, COMMITTED BY: Chardel Malone, PFN: APK014, CDC#: H-59892,  
7 who later abandoned the, Stolen, Bicycle, Onboard, the above mentioned,  
8 BART Train's Cars, RUN#: 225, July 09, 2003, 1819 Hours(1806 Hours),  
9 COINCIDENTALLY, still located at the, Fremont BART Station's Train's  
10 Platform, after an, Unusual Delay, which allowed the plaintiff enough  
11 time to walk the, ENTIRE LENGTH, of this said BART Train, from it's,  
12 Front First Car, to it's, Last Rear Car(Train Car), which is, why,  
13 EACH, and, EVERY, Onboard, Interior, Bart Train's Cars, RUN#: 225,  
14 July 09, 2003, 1819 Hours(1806 Hours), VIDEO SURVEILLANCE TAPES,  
15 Contained The, EXONERATING/EXCULPATORY, Video Footage Evidence, FOR,  
16 The Plaintiff, which, Unfortunately, was hidden, and/or, failed to  
17 be produced, by the, Police Authorities: BART Police Officer, Ken Dam,  
18 Badge Number: J-214, who, also, Intentionally Concealed,,the, BART  
19 Train's Cars' RUN#, which, was LATER REVEALED TO BE: 225, and, NOT,  
20 the, ERRONEOUS NUMBER: 1275, because, BART, Do Not, have, four digit  
21 RUN(#'s) Numbers.

22 SEE: Admonition And Statement Audio Recorded, by, Reporting Officer,  
23 Amy Boyd, Badge Number: 2906, July 09, 2003, 1935 Hours, at the,  
24 Fremont Police Department, 2000 Stevensons Boulevard, Fremont,  
25 California 94538., Incident Report Number: 030709072.

26 CHARGING OF KNOWLEDGE: OF: EXONERATING EVIDENCE: ALL,  
27 Onboard, Interior, BART Train's Cars' Video Surveillance  
28 Tapes, (RUN#: 225, July 09, 2003; 1819 Hours(1806 Hours).

1       'This, Failure To Produce, and/or, Willfully Hidding, Of, said,  
2       BART Train's Cars' Video Surveillance Tapes,(RUN#: 225, July 09, 2003,  
3       1819 Hours(1806 Hours), is a, Clear, violation, of the plaintiff's,  
4       Due Process Clause, Rights, guaranteed, by the, Fourteenth Amendment  
5       Rights, of the, U.S. Constitution, "Right To The Preservation, and,  
6       Production Of Exculpatory/Exonerating Evidences.", which, were, DENIED,  
7       the plaintiff, by the defendants, i.e., BART Employee, BART Police  
8       Officer, Ken Dam, Badge Number: J-214, Holding, His, Employer, BART,  
9       Bay Area Rapid Transit Police Department, Liable, for, His, Wreckless  
10      Actions, while a, State Actor.

11 V. Previous Lawsuits

- 12      1. Jerome L. Grimes v. BART Police Officer, Ken Dam, #: J-214, et., a  
13                    U.S. District Court, Northern District Of California  
                  Civil Complaint No. C03-5457CW

## VI. Remedy Exhausted

15 The plaintiff was, Continuously False Imprisoned, for, MORE THAN,  
16 (72) Seventy Two, Hours, and, also, DENIED, His, U.S. Constitutional  
17 Rights, to, Due Process, "Right To The Preservation And Production  
18 Of Exculpatory/Exonerating Evidences, i.e., BART Video Surveillance  
19 Tapes, ONBOARD, Richmond Bound BART Train's Cars, RUN#: 225, ..  
20 July 09, 2003, 1819 Hours(1806 Hours). And, In The Furtherance Of  
21 Justice, the, False,. Grand Theft Bicycle Case, Docket #: H34486,  
22 Superior Court Of California, Hayward, Hall Of Justice, was, DISMISSED,  
23 on, August 16, 2004, MORE THAN, (1) One Year Of Imprisonment, Unjustly,  
24 Over The, (72) Seventy Two, Hours-Limit, established, by the,  
25 U.S. Constitution.

26 | VII. Relief Requested

27 An injunction preventing the, Due Process Rights, Violator,  
28 Ken Dam #: J-214, from, EVER, working in, Law Enforcement, Transporta-

tion Industry, and, Medical Health Care Profession.

A, Court Order, demanding the, Due Process Rights, Violator,  
Ken Dam #: J-214, to be, Lie Detector Tested, as an, Anti-Terrorism  
Measure, to ascertain, His, invilvement in a, Conspiracy, against the  
plaintiff.

And a, Monetary Units Award, to be, Granted, to the plaintiff as a deterrent, to the defendants(and), Due Process Violator, Ken Dam #: J-214, from continuing their, Conspiracy, Willful Misconduct, and, FRAME-UPS, against the plaintiff, the plaintiff's, Families, and other Citizens, and, Tourists.

Punitive Damages: \$77,000,000.00 (Seventy Seven Million Dollars)  
Damages: |

\$1,713,000.00, includes, but not limited to, Capital Gains/  
Self-Employment Wages, LOST, per day, at: \$3,000.00 (Three Thousand  
Dollars) Per Day, for a total of: 403 Days (Four Hundred And  
Three Days), Continuously False Incarcerated, at a time the,  
Plaintiff, Jerome L. Grimes, would have been, Prospectively,  
EARNING, \$3,000.00 Per Day, on, His, Plaintiff's, INTERNET WEB-  
SITE BUSINESS: Small Business Start-Up Video, SELLS, while  
continuing to live his life, while exercising, His, Plaintiff,  
Jerome L. Grimes', "Right To The Pursuit Of (International) Happiness  
on the, World-Wide Web, as an. Videographer, producing, retail and  
wholesale selling, and advertising/marketing, Self-Produced, Small  
Business Start-Up Video Productions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11 Per Day, (6) Six Days Per Week, For A Total Of (38) Thirty-  
12 Eight Weeks, Equalling: \$504,000.00 (Five Hundred And Four  
Thousands Dollars).

13 And in the, Due Process Clause, Violator, BART Police Officer,  
14 Ken Dam #: J-214, individual capacity: \$1,200,000.00 (One Million  
15 Two Hundred Thousand Dollars).

16  
17  
18  
19 Dated: October 22, 2004

20 Jerome L. Grimes  
21 In Pro Per, Plaintiff  
22 And,  
23 Director, of,  
24 Futuristic Safety First,  
25 "Children Safety and Welfare Program"

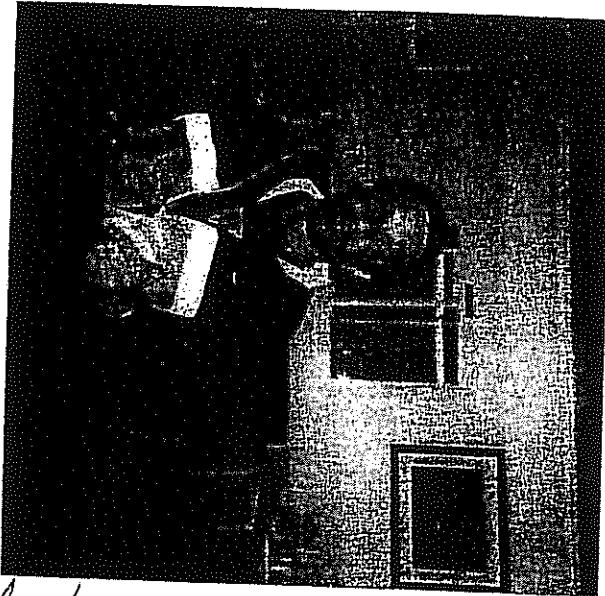
People of the State of California,  
Plaintiffs,

Blocket No.

H3948

Jerome L. Gaines,  
Defendant.

Declaration In  
Support of  
Non - Statutory  
Mission To Dimini



I declare, as follows:

1. My name is, Jerome L. Grimes.

2. I am; Esq., Esquire, Defense Counsel.

3. This photo was taken approximately, (2) two hours, before the, Alleged, herein, Crime, of, Grand Theft, on, July 09, 2003.

4. The clothing worn in this photo is exactly what I was wearing during the, Misidentification, and, Arrest, of, Me, on, July 09, 2003.

5. This clothing worn in this photo and at the time of, Arrest, do, NOT, match the description of the suspect, described, by the, Alleged, Victim, Shane Overton, D.O.B.: 12/

according to the "911 Record Print-Out" (Illegal D.O.B., S.S.N., Name, Etc.,  
Fremont Police Incident Report, and, Audio Tape: 03070907,  
Preliminary Hearing - Court Reporter Transcript, July 22, 2003,  
Page 19, lines 11-18.  
Tel: June 27, 2004  
2nd page of transcript)

Dated: June 03, 2004

6-212 Plus (1) Cans 44 oz.

**BAIL BONDS**

RENE DAVIDSON COURTHOUSE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
**CLERKS DOCKET AND MINUTES**

DOCKET  
 1. NAME \_\_\_\_\_ DEPT. 515 CRT. DATE/TIME 4/30/04 09:00  
 EVENT 2. NAME GRIMES, JEROME LENARD RPT. NO. 030709072 DOCK NO. H34486  
 3. PROC. 4 COUNTS CEN. 3267378 PFN. AWP415A DAY 07/09/03 SJ DATE 11/08/04  
 PIC 00500 AAG-FPD ACITY FR  
 4. CHARGES 1) E487(A) PC 2 PRS.

STAT	SET	BAIL \$65,000.00	TOTAL DAYS IN CUSTODY: 295
5. BAIL	STAT.	BOND DT.	BOND CO.
BAIL	STAT.	BOND DT.	BOND CO.
6. FINE/REST.	DATE PAID	REC. NO. SOUTH 1	TIME WAIVED T.W.

**PROCEEDING**

7. JUDGE SOT. HESTINGER GACY ACETI DCCC: *Davidson*  
 8. DEP. CLERK MICHELLE SAUZA REAMASIS DEF. D.A.  
 9. REPORTER J. ESCOBEDO/M. FERRERA Z. EDEDA DEF. ATTY. PRO PER  
 OTHERS  Not Present

Defendant:  Present  Not Present  Excused  In Custody  Pro Per  
 Interpreter is present. Language spoken: \_\_\_\_\_  
 Defendant duly arraigned/advised as to constitutional rights  Defendant waives arraignment  Waiver of Rights filed  
 Defendant served:  Complaint  Discovery  Petition  Motion  Protective Order (PC 136.2)  
 Referred to Public Defender  Public Defender files conflict  Financially ineligible  Private counsel appointed  
 Plea Withdrawn  Change of Plea  Plea to count(s) \_\_\_\_\_  Not Guilty  Guilty  No Contest/Found Guilty  
 Stipulates to: lesser included / reasonably related offense of count(s) \_\_\_\_\_ to charge(s) \_\_\_\_\_  
 Time waived for:  Preliminary Examination days  Trial  Sentence  Time not waived  Time waiver withdrawn  
 Clauses:  Stricken  Admitted  Sentencing Purposes Only  
 Priors:  Stricken  Admitted  Denied  
 Probation:  Conditional Sentence:  Granted for years/months  See attached conditions  
 Revoked  Restored  Modified  Extended to \_\_\_\_\_  Continue on same terms and conditions  Terminated  
 Defendant admits probation violation  Previous order revoking probation vacated, set aside, defendant restored to probation  
 Submit to search and seizure of person, residence, vehicle or any property under defendant's control \_\_\_\_\_  
 No contact with / not to annoy \_\_\_\_\_, directly or indirectly: stay at least \_\_\_\_\_ away  
 Additional order(s): \_\_\_\_\_  
 Petition/Motion \_\_\_\_\_  
 Referred to:  Probation Dept.  Financial Hearing Officer  Granted  Denied  Withdrawn  
**Restitution:**  Referred to \_\_\_\_\_ for Determination  Ordered  Reserved  Modified  
 Bail Forfeited  Bail Forfeiture Set Aside  Bail Reinstated  Bail Exonerated  Summary Judgment Entered  
 Bench Warrant:  Issued  Withheld  Withdrawn  Bail Set at \$ \_\_\_\_\_  No Cite Release  Night Service

2X

*Audio cassette & 911 tape by May 12*

FUTURE COURT DATES: 5/19/04 JT

Cont: Date: 5/12/04 Time: 9:00 Dept: 502 Proc: FOMP Date: 6/4/04 Time: 9:15 Dept: 513 Proc: JT  
 CORPUS Codes: \_\_\_\_\_

08/12/03 14:14:30 PRINTED BY TERMINAL PDD2

Incident History for: #P03075521 Xref: #P03075521

Case Numbers: #P030709072

Entered 07/09/03 18:25:36 BY PD03 2082

Dispatched 07/09/03 18:26:02 BY PDD1 2012

Enroute 07/09/03 18:26:16

Onscene 07/09/03 18:27:19

Closed 07/09/03 20:16:35

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF A DOCUMENT IN THE FILES OF THE CITY OF FREMONT POLICE DEPARTMENT.

Chad 2171 8/16/03

Name # Date

Initial Type: 911DC Initial Alarm Level: Final Alarm Level:

Final Type: 487 (GRAND THEFT) Pri: 1 Dispo: RPT

Police Block: 46 Fire Block: 88D4 Group: P1 Src: 9

Loc: 39121 FREMONT BL ,FRE btwn MOWRY AV & BEACON AV

Name: Addr: PERFORMANCE BICYCLES Phone: 494-1466

1825	(2082)	ENTRY	NO FURTHER INFORMATION
1826	(2012)	DISP 101	#2906 BOYD, AMY
1826		ASST 109	#2405 OKULOVE, LORIE
1826	(2906)	*ENROUT 101	
1826	(2012)	ASST 103	#2794 MCCORMICK, PAUL
1826	(2794)	*ENROUT 103	
1827	(2012)	ONSCNE 101	
1827	(2177)	SUPP	TXT: 487...SUSP BMA 35-40 600/MED WEARING BLK WINTER PARKA WITH A HOOD AND DK BLU JEANS. DOF TWD MOWRY
1828		SUPP	TXT: BIKE IS A BLU/SIL K2 MOUNTAIN BIKE
1828	(2012)	ASST 2011	#2793 MOURGOS, PAUL
1828		MISC 101	, UTL FRE/MOWRY
1829	(2082)	ENROUT 109	
1829	(2012)	ASSTOS 205	[LOGAN / MOWRY ] #3396 BRANNON, SEAN
1829		CHGLOC 2011	[BART ]
1829		\$CROSS	#P03075521
1829		DUP	#P03075521
1829		CHANGE	TYP: 911DC --> 487
1831		NEWLOC 103	[S/S HUB]
1832		ONSCNE 2011	
1833		MISC 2011	, HAVE A POSS
1833		MISC 2011	, ON THE TRAIN
1834		MISC 2011	, OFF W/POSS
1834		NEWLOC 103	[PREF BIKE ]
1834		MISC 101	, HAVE ONE WIT
1834		CHGLOC 109	[BART ]
1836	(2177)	MISC	, ADVISED BART..THEY ARE HOLDING THE TRAINS
1838	(2405)	*ONSCNE 109	
1838	(2012)	CHGLOC 103	[BART, W/WIT ]
1838		MISC 2011	, 11-98 ON THE E-SIDE FOR IN FIELD
1839	(****)	REMINQ 2011	WANT, 2011, GRIMES, JEROME, , M, 05231966, , , , , , 11J070
1843	(3396)	CLEAR 205	
1843	(2794)	*ONSCNE 103	
1843	(2012)	ASSTOS S35	[BART ] #2436 O'CONNELL, DANIEL
1845		ASNCAS 101	\$P030709072
1849		MISC 103	, 10-15 POSS ID
1854	(2436)	CLEAR S35	
1859	(2012)	NEWLOC 103	[39121 FREMONT BL ,FRE]
1859		MISC 103	, W/WIT & BIKE
1900		15 2011	[JAIL]
1901	(2405)	CLEAR 109	
1904	(2794)	*ONSCNE 103	
1905	(2012)	TRANSC 2011	
1915	(2082)	CHGLOC 101	[JAIL ]

~ 11/16/03 ~

~~4~~ -19-H37486

- 1 A I know it was a form of a ball cap.
- 2 Q What color was the cap?
- 3 A I cannot recall.
- 4 Q Blue pants, were they?
- 5 A Blue or dark in color.
- 6 Q Pardon me?
- 7 A Blue or dark in color.
- 8 Q Could you see if they were Levis or some  
9 other material?
- 10 A No, sir.
- 11 Q The blue parka, did it have any color, any  
12 lines in it, or was it solid?
- 13 A By lines, as in colored lines?
- 14 Q Was there vertical lines or horizontal lines  
15 of a different color?
- 16 A No.
- 17 Q So it was a solid blue parka?
- 18 A Yes.
- 19 Q Did you get an opportunity to look at that  
20 person's face?
- 21 A Yes.
- 22 Q What part of that person's face did you see,  
23 the whole face or profile?
- 24 A I saw a profile and I saw the full face in  
25 the reflection upon the pursuit.
- 26 Q Okay.
- 27 But in terms of the that person's face, was he  
28 wearing any glasses?

See Polaroid photo  
Hick Cut Parka  
Blue In Color  
Solid Blue  
Line

- 1 - Attachment #4

NO. 005711  
SAN LEANDRO POLICE DEPARTMENT  
PRISONER PROPERTY RECEIPT

Time: 0021PROPERTY BIN # 13

Local Agency: SAN LEANDRO PD Agency No.: CA0011200

MALONE CHARLIE  
Inmate's Last Name \_\_\_\_\_ First Name \_\_\_\_\_ M.I. \_\_\_\_\_

PFN No.	Date	Property Release	Property Release
APK014	09.07.03		
X 100			
X 50			
3 X 20	60.00		
X 10			
X 5			
3 X 1	300	X 75	
COIN	0.75		
TOTAL	\$ 63.75		

This form contains a complete list of property received for upon entering San Leandro Police Jail.

Inmate's Sig. X <u>CHARLIE MALONE</u>	<input type="checkbox"/> Refused to sign
Officer's Sig. X <u>K. TULL</u>	Badge No. #7K

No 005711SEARCHED/HANDLED

Searched By \_\_\_\_\_

I have received all of my property, clothing, and money.

Inmate's Sig. X <u>CHARLIE MALONE</u>	Date <u>10/14/03</u>
Officer's Sig. X	Badge No.

## Property Release #1

Released Property To:

Agency: ASC - NO PROPERTY / YES MONEY

Checked and Received By \_\_\_\_\_ Badge No. \_\_\_\_\_ Date \_\_\_\_\_

Officer's Sig. X <u>TULL</u>	K	090803
---------------------------------	---	--------

Inmate's Sig. X	Release Date
Officer's Sig. X	Badge/I.D. No.

## Property Release #2

Released Property To:

Agency: \_\_\_\_\_

Checked and Received By \_\_\_\_\_ Badge No. \_\_\_\_\_ Date \_\_\_\_\_

Officer's Sig. X	
---------------------	--

Inmate's Sig. X <u>CHARLIE MALONE</u>	Release Date <u>10/14/03</u>
--	------------------------------

CASE # 3-11222

No. 005711

All unclaimed property and money shall be disposed of as provided by law.

Item	Description
Wallet	<u>BLACK</u>
Purse	
Misc. Papers	
Keys	<u>31014</u>
Watch	<input type="checkbox"/> WM <input type="checkbox"/> YM <input type="checkbox"/> Man's <input type="checkbox"/> Woman's Make:
Ring	<input type="checkbox"/> WM <input type="checkbox"/> YM <input type="checkbox"/> Man's <input type="checkbox"/> Woman's Color of Stone
Ring	<input type="checkbox"/> WM <input type="checkbox"/> YM <input type="checkbox"/> Man's <input type="checkbox"/> Woman's Color of Stone
Other Jewelry	<input type="checkbox"/> WM <input type="checkbox"/> YM <input type="checkbox"/> Man's <input type="checkbox"/> Woman's
Other Jewelry	<input type="checkbox"/> WM <input type="checkbox"/> YM <input type="checkbox"/> Man's <input type="checkbox"/> Woman's
Other Jewelry	<input type="checkbox"/> WM <input type="checkbox"/> YM <input type="checkbox"/> Man's <input type="checkbox"/> Woman's
Earring	<input type="checkbox"/> WM <input type="checkbox"/> YM
Earring	<input type="checkbox"/> WM <input type="checkbox"/> YM
Change: If less than \$1.00	
Rare or Foreign Coins	
Hat	
Coat	
Shirt	
Belt	<u>BLACK</u>
Pants	
Shoes	<u>Black w/ Green Socks</u>
Other	<u>White Nail Clippers</u>
	<u>CD ID</u>
	<u>ID 10</u>
	<u>CHARLIE MALONE</u>
	<u>APK014</u>
	<u>No PROPERTY</u>
	<u>YES MONEY \$ 63</u>
	<u>Date: 09/08/03 I hereby release All property EXCEPT SHOES/SOCKS/AND MONEY</u>
	<u>Released To: LINDA DILL R-EKY</u>
	<u>Property Released By Inmate: C. J. TULL, Officer</u>

102-753 SM 7/61 (new)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

DEPT. 515

Date: Sept. 12, 2003

Hon.

ROY HASHIMOTO

Judge

, Deputy Sheriff

Michelle Souza

Deputy Clerk

Jovita Escorcio #10910

Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA

Counsel appearing  
for Plaintiff

Plaintiff

Amilcar Ford, Deputy District Attorney

vs.

Counsel appearing  
for Defendant

JEROME LENARD GRIMES

Defendant Pro Per

NATURE OF  
PROCEEDINGS:MOTION TO PRESERVE SURVEILLANCE TAPES /  
MOTION FOR COPY OF PRELIMINARY TRANSCRIPT /  
MOTION FOR COPY OF AUDIO TAPE INTERVIEW /  
MOTION TO DISMISS / MOTION FOR AN  
APPOINTMENT OF INVESTIGATOR / MOTION FOR  
COURT PROCESS SERVER/RUNNER / MOTION FOR  
AN AUDIO CASSETTE PLAYER / MOTION FOR COPY  
OF DEFENSE SUBPOENA AND PROOF OF SERVICEACTION NO. H-34486  
AWP416  
3267378

The above entitled action comes on calendar, having been regularly set, for several motions.

Court, counsel and defendant are present in open court on the record.

Court grants defendant's Motion to Preserve Surveillance Tapes, Motion for Copy of Audio Taped Interview and Motion for Audio Cassette Player. The People provide a copy of audio taped interview to defendant.

Court denies defendant's Motion to Dismiss, Motion for an Appointment of Investigator and Motion for Court Process Server/Runner.

Defendant's Motion for Copy of Preliminary Transcript and Motion for Copy of Defense Subpoena and Proof of Service are moot.

Court orders defendant's Motion for a Video Cassette Player/Monitor be Provided at Motion to Dismiss Hearing, Motion for Copy of the Audio Taped Interview of the Prosecution's Witness Conducted by Fremont Police Officer Boyd, Motion for an Audio Cassette Player With an External Speaker be Provided at the Motion to Dismiss Hearing and Motion to have Defense Witnesses Present at the Motion to Dismiss Hearing are denied as being untimely filed.

Court maintains September 17, 2003 at 2:00 p.m. in Department #513 for Motion to Dismiss Pursuant to Section 995 of the Penal Code and September 22, 2003 at 9:15 a.m. in Department #513 for Jury Trial dates.

Attachment #6  
7/11/03

*People v. Jeron*

11274136

# Incident Report

## Fremont Police Department

030709072

Supplement No  
ORIG**Narrative**

discontinued the interview at 1957 hrs.

I ran a records check (CII, CORPUS, wants/warrants) on GRIMES and found he had served time in prison for robbery, and had numerous incidents of burglary, theft and weapons charges. Most recently, GRIMES was arrested in Berkeley on 07/02/03 for a warrant for burglary with prior jail time - 459 PC/666 PC; and was arrested on a separate case in Mountain View on 07/06/03 for 459 PC/666 PC again.

I spoke to BART PD Ofc FOREHAND by telephone, and he confirmed the video was functioning at the time of the incident. He told me to call Community Service Assistant DAM at (510) 464-7048 to obtain the footage. I called CSA DAM and left a message on his voice mail requesting a copy of the tape. I will follow up on 07/10/03 to make arrangements to get the tape.

Based on the statements and actions of the involved parties, I believe GRIMES entered Performance Bicycles with the intent to steal a bike without making an attempt to pay for it. This is a violation of 459 PC - burglary. Because of GRIMES' previous jail time for theft, I recommend the prior-jail time enhancement - 666 PC

I recommend the District Attorney charge GRIMES with 459 PC/666 PC.

I will supplement this report with the findings regarding the surveillance video tape.

cc: DDA

995 Dismissed  
Grimms

Bike fingerprints not taken, destroyed  
by "weakness in the chain  
of custody"

Attachment #7  
Defendant's - Exhibit #2

PAGE 1 OF 1

Trial Court

People v. Jerome

Hayward, Hall of Justice

DOCKET NO. H-34956

AMES PRE-TRIAL COURT

CASE #

03-30211

CITATION #

		INCIDENT REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607								
O/A # F03-05077										
1. CODE SECTION(S) 487 PC		2. CRIME(S) / CLASSIFICATION(S) Grand Theft							<input checked="" type="checkbox"/> OUTSIDE ASSIST <input type="checkbox"/> WARRANT SERVICE <input type="checkbox"/> CITIZEN'S ARREST	
3. DAY / DATE / TIME OCCURRED Wed/ 7-09-03 / 1800 to 1900hrs		4. DATE / TIME REPORTED 8/6/03 1500hrs		5. TIME DISPATCHED		6. TIME ARRIVED				
7. STATION OR OTHER LOCATION OF OCCURRENCE Fremont Bart Station				8. CITY Fremont						
9. NAME - LAST, FIRST, MIDDLE <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> R/P <input checked="" type="checkbox"/> S <input type="checkbox"/> I/P Grimes, Jerome			10. RACE/SEX	11. AGE	12. HT.	13. WT	14. HAIR	15. EYES	16. D.O.B.	<input type="checkbox"/> BOOKED <input type="checkbox"/> JUV HALL <input type="checkbox"/> DETOX <input type="checkbox"/> CITED <input type="checkbox"/> 849(b) <input type="checkbox"/> R&R <input type="checkbox"/> GOA / UTL <input type="checkbox"/> RLSD O/A <input type="checkbox"/> OTHER
18. ADDRESS, PHONE, CLOTHING, IDENTIFYING MARKS										19. I.D. TYPE / #
20. NAME - LAST, FIRST, MIDDLE <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> R/P <input type="checkbox"/> S <input type="checkbox"/> I/P			21. RACE/SEX	22. AGE	23. HT.	24. WT	25. HAIR	26. EYES	27. D.O.B.	28. <input type="checkbox"/> BOOKED <input type="checkbox"/> JUV HALL <input type="checkbox"/> DETOX <input type="checkbox"/> CITED <input type="checkbox"/> 849(b) <input type="checkbox"/> R&R <input type="checkbox"/> GOA / UTL <input type="checkbox"/> RLSD O/A <input type="checkbox"/> OTHER
29. ADDRESS, PHONE, CLOTHING, IDENTIFYING MARKS										30. I.D. TYPE / #
71. VEHICLE <input type="checkbox"/> VIC <input type="checkbox"/> SUS	32. YEAR	33. MAKE	34. MODEL	35. BODY	36. COLOR(S)	37. LICENSE #		38. STATE		
39. WARRANT #		40. ISSUING COURT		41. HOLDING AGENCY		42. CHARGE(S)		43. BAIL		

## Narrative:

On 7-09-03, at about 2200hrs, I was notified by Fremont Police Officer Amy Boyd that she wanted a video tape pulled on BART train car #1275 for evidence. I was able to track down the train car and replace the video tape the next day. I observed that the digital video recorder machine was not working properly because it was set in the wrong modes. I was able to fix the function modes. I viewed the tape and observed that the tape did not record on that day. I determined that the tape had no evidentiary value, so I recycled the video tape.

On 8-06-03, I was given a subpoena by Public Defender Investigator Diane Diew to bring all the video surveillance tapes at the Fremont BART station from 7-9-03. I notified Diew that the video tape did not have any evidentiary value because the video machine was not working properly and that it had been recycled. There were no other video cameras placed at the Fremont BART station at that time of the incident. No further action was taken.

## REPORTING OFFICER(S)

K.Dam J-214

## RECORDING OFFICER

J-214

DISPOSITION: <input type="checkbox"/> PENDING <input checked="" type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:
---	--

Kathleen Gilbert  
02/17/04 10:33 AM  
13:99

To: Peggy Watts/lbb/Oak/BART@BART  
cc: Paul Liston/LMA/Oak/BART@BART, Lynette  
Slaten/LMA/Oak/BART@BART  
Subject: Re: State of CA vs. Jerome L. Grimes..Subpoena for Records

I left a voice message for you regarding Grimes' subpoena. We have identified the consist ( run #) for car 1275 and I want to be sure that's what he's looking for as you probably know he asked for run #1275 and we do not have 4 digit run numbers. Car 1275 was on run 227 on July 9, 2003 and according to the arrival departure logs for that day, it arrived at Fremont at 1834 and departed at 1846 on time. However the OCC log shows an entry for 1833 hours for Train run number 225 at A-90 ( Fremont) with a BART police hold. The departure log shows run #225 did not depart Fremont as scheduled at 1831 hours but was sent out of service back to Richmond.

Attachment #9

SUPERVISOR: SotoTRAIN ARRIVAL/DEPARTURE LOG  
FREMONT TERMINAL ZONE

DATE: 7-9-03

## WEDNESDAY

# Page	TRN ARR SIZE	SCH ARR TIME	ACT OPER TIME	TRAIN TRAIN OPERATOR	NAME	DEP RUN NO	TRN DEP SIZE	SCH DEP TIME	ACT DEP TIME	TRAIN OPER JOB#	TRAIN OPERATOR	T.O. RPT TIME	REMARKS
						TRN NO	DEP TIME	TIME	TIME	JOB#	NAME		
14	4	1641Y	/	YO	/	105	8	1654	51	TH49	B Gemignani	/	
15	4	1646	46	Da	(u) I GARRET	233	6	1701	D	TH50	P BREAMEK		
		1649	(w)	TH33		107	8	1709	D	TH52	R PINICKO		
16	8	1701	61	Db	(u) S LOUIE	235	6	1716	D	TH63	T GUTTMAN	1630	
17	6	1704	(w)	TH35		109	4	1724	D	TH53	W REBICIO		
18	8	1716	146	TPH5	(u) SCHULZ	108	4	1727Y	/	D SCHULZ			
19	6	1719	20	TH36		237	8	1731	31	TH65	L ALLEGHENIESK	1645	
20	8	1731	31	TPH7	5	111	4	1739	39	Da	I GARRET		
21	6	1734	25	TH37		110	4	1742Y	/	TPH5	J LEE		
22	8	1746	52	TH38	D VELCRO	239	6	1746	46	TH66	C VEL	1700	
23	8	1749	50	TH39		113	4	1754	57	Da	S LOUIE		
24	6	1801	/	TH41		112	4	1757Y	/	TPH7	J FERNANDEZ		
25	6	1804	60	TH42		221	8	1801	D	TH68	M Aguilar	1715	
26	8	1816	/	TH44		115	8	1812Y	/	TH41	A CEFU		
27	6	1819	(w) PU	Ra	(3) TUCKER	223	6	1816	16	TH69	L UJUZI	1730	
28	5	1819	(w) PU	TH45		117	8	1827Y	/	TH44	D VOLLECA	1745	P. Chmelik
29	3	1831	TH45			225	5	1831	/	TH70	Surf St Service		
30	5	1834	Rb	R	JEW	227	5	1846	46	TH61	G John Stew	1615-10 REL. 233	F

D Harbin - 1110

Note: The personnel assignments in these logs are a guide. Actual assignments by the foreworkers may often differ.

RENE DAVIDSON COURTHOUSE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
**CLERKS DOCKET AND MINUTES**

DOCKET  
1. NAME

DEPT. 513 CRT. DATE/TIME 8/05/04 09:05

EVENT 2. NAME GRIMES, JEROME LENARD

RPT. NO. 030709072 DOCK NO. H34466

3. PROC. MDSM M M CEN. 3267378 PFN. AWP416 A DAY 07/09/03 SJ DATE 2/14/05  
COUNTS PIC 00500 AAG-FPD ACITY FR

4. CHARGES 1) F487(A) PC. 2. PRS

STAT SET BAIL \$65,000.00 TOTAL DAYS IN CUSTODY: 394

5. BAIL STAT. BOND DT. BOND CO. DOB 05/23/66  
BAIL STAT. BOND DT. BOND CO. BAC  
6. FINE/REST. DATE PAID REC. NO SOUTH 1 TIME WAIVED TW

## PROCEEDING

JUDGE ROBERT K KURTZ Gary Picetti  
DEP. CLERK J. BARKER/D. HYATT  
REPORTER DEBORAH TRUJILLO Janelle ZepedaDCCO: DISSETON, L  
DEP. D.A. DEF. ATTY. PRO. PER.  
OTHERS Not Present

Defendant:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Excused	<input checked="" type="checkbox"/> In Custody	<input type="checkbox"/> Pro Per
<input type="checkbox"/> Interpreter	is present. Language spoken: _____				
<input type="checkbox"/> Defendant duly arraigned/advised as to constitutional rights <input type="checkbox"/> Defendant waives arraignment <input type="checkbox"/> Waiver of Rights filed					
<input type="checkbox"/> Defendant served: _____ Complaint <input type="checkbox"/> Discovery <input type="checkbox"/> Petition <input type="checkbox"/> Motion <input type="checkbox"/> Protective Order (PC 136.2)					
<input type="checkbox"/> Referred to Public Defender <input type="checkbox"/> Public Defender files conflict <input type="checkbox"/> Financially ineligible <input type="checkbox"/> Private counsel appointed					
<input type="checkbox"/> Plea Withdrawn <input type="checkbox"/> Change of Plea <input type="checkbox"/> Plea to count(s) _____ <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> No Contest/Found Guilty					
<input type="checkbox"/> Stipulates to: lesser included / reasonably related offense of count(s) _____ to charge(s) _____					
<input type="checkbox"/> Time waived for: <input type="checkbox"/> Preliminary Examination days <input type="checkbox"/> Trial <input type="checkbox"/> Sentence <input type="checkbox"/> Time not waived <input type="checkbox"/> Time waiver withdrawn					
<input type="checkbox"/> Clauses: <input type="checkbox"/> Stricken <input type="checkbox"/> Admitted <input type="checkbox"/> Sentencing Purposes Only					
<input type="checkbox"/> Priors: <input type="checkbox"/> Stricken <input type="checkbox"/> Admitted <input type="checkbox"/> Denied					
<input type="checkbox"/> Probation: <input type="checkbox"/> Conditional Sentence: <input type="checkbox"/> Granted for _____ years/months <input type="checkbox"/> See attached conditions					
<input type="checkbox"/> Revoked <input type="checkbox"/> Restored <input type="checkbox"/> Modified <input type="checkbox"/> Extended to _____ <input type="checkbox"/> Continue on same terms and conditions <input type="checkbox"/> Terminated					
<input type="checkbox"/> Defendant admits probation violation <input type="checkbox"/> Previous order revoking probation vacated, set aside, defendant restored to probation					
<input type="checkbox"/> Submit to search and seizure of person, residence, vehicle or any property under defendant's control _____					
<input type="checkbox"/> No contact with / not to annoy _____ directly or indirectly: stay at least _____ away					
<input type="checkbox"/> Additional order(s): _____					
<input type="checkbox"/> Petition/Motion <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn					
<input type="checkbox"/> Referred to: <input type="checkbox"/> Probation Dept. <input type="checkbox"/> Financial Hearing Officer <input type="checkbox"/>					
<input type="checkbox"/> Restitution: <input type="checkbox"/> Referred to _____ for Determination <input type="checkbox"/> Ordered <input type="checkbox"/> Reserved <input type="checkbox"/> Modified					
<input type="checkbox"/> Bail Forfeited <input type="checkbox"/> Bail Forfeiture Set Aside <input type="checkbox"/> Bail Reinstated <input type="checkbox"/> Bail Exonerated <input type="checkbox"/> Summary Judgment Entered					
<input type="checkbox"/> Bench Warrant: <input type="checkbox"/> Issued <input type="checkbox"/> Withheld <input type="checkbox"/> Withdrawn <input type="checkbox"/> Bail Set at \$ _____ <input type="checkbox"/> No Cite Release <input type="checkbox"/> Night Service					

2X

Matter Dismissed by Court - Plus to Seat 1385 PC

UTURE COURT DATES: 8/16/04 JT - Vacate

nt: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept. \_\_\_\_\_ Proc.: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept. \_\_\_\_\_ Proc.: \_\_\_\_\_

RPUS Codes: \_\_\_\_\_

DOCKET  
NAME GRIMES, JEROME LENARD

CT. DATE 8/05/04 DOCK NO. H34466

Attachment # 11

**§ 1385**

**DISMISSAL OF ACTION**

In determining whether there should be a dismissal in furtherance of justice pursuant to Pen. Code, § 1385, both the constitutional rights of the defendant and the interests of society represented by the People require consideration, and the reason for dismissal must be that which would motivate a reasonable judge. People v. Johnson (1984) 157 Cal App 3d Supp 1, 204 Cal Rptr 563.

Proof of:  
Self-Employment  
Videography Internet  
Business

Now, you too can learn how to start, run, and maintain a small business in America.

# Your Price: \$20.00

We include written Record Keeping Model Sheets, and Public Relations Tips Sheets with every video.

**FAST**

**FAST**

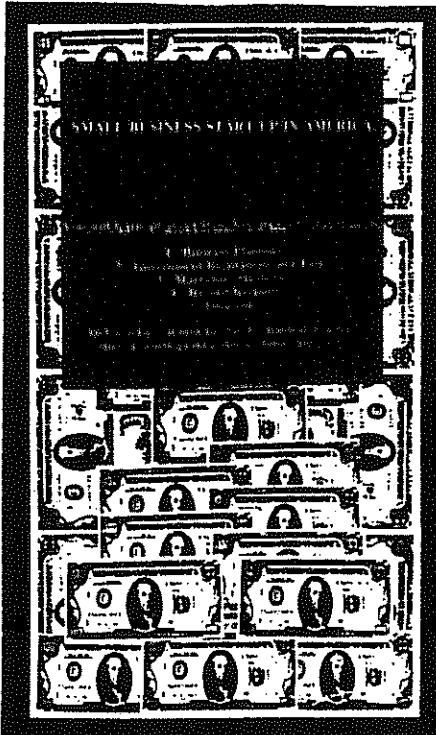
**FAST & EASY**

You will learn how to write a business plan, how to register your business to meet local, state, and federal requirements, how to market your product or service to the public,

how to keep accurate records of your expenses and revenues, and how to get that extra cash to operate your business.

You'll get a Solid Foundation in Small Business Start-Up in America!

No Theory,  
No Technical Jargon,  
Just Plain Simple Language.



You're in Control!

Go as fast or slow as you want, just fast forward or rewind.

**Video**

Video teaches you how to start a business fast.

For a limited time this wholesale price available to the public.

## ORDER FORM

Please Print				
Title	Date	Quantity	Price	Total
SUBTOTAL				
SHIPPING				
TOTAL				

Include \$2.50 postage and handling for each.

Name \_\_\_\_\_

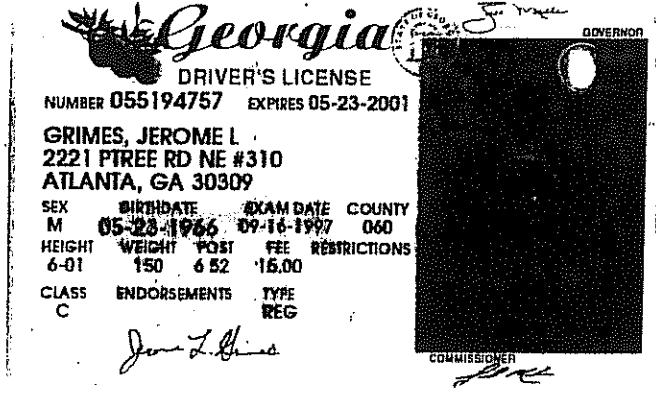
Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_

Please make check or money order payable to:

AFRIKAN-AMERICAN ECONOMICS, BUSINESS, AND RE-EDUCATION

Attachment # 12



SMALL BUSINESS START-UP IN AMERICA,

COLOR/Approx. 3 HOURS/8 MINUTES

Licensed only for non-commercial private exhibition in homes. Any public performances, other use, or copying is strictly prohibited. All rights under copyright reserved.

JEROME L. GRIMES

FBI Warning:  
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Copyright © 1974 by Jerome L. Grimes. All Rights Reserved.

AFRIKAN-AMERICAN ECONOMICS BUSINESS & RE-EDUCATION 404-250-8056 2221 PEACHTREE RD. NE STE. D-250 ATLANTA, GA 30309		64-7097/2610 0182001147	1075
PAY TO THE ORDER OF _____		DATE _____	\$ _____
			DOLLARS _____
Mutual Federal Savings Bank Atlanta, GA		FBI Security Feature Printed in U.S.A.	
MEMO _____		MM	
4026107097613 01820011471075			

Attachment # 14

15



## EXHIBIT B



1 "Hijacking/Covert Kidnapping With  
2 Federal Due Process Of Law,  
3 Violation, Of, Plaintiff's,  
4 "Right To Liberty," And, "Right  
5 To The Preservation And  
6 Production Of Exculpatory/  
7 Exonerating Evidences, i.e.,  
8 Video Surveillance Security  
9 Tapes, (multiple videotapes)  
10 Onboard, Inter-  
11 July 22

July 09, 2003, 1819 hrs. (1806 hrs.) Richmond Bound, Intentionally Delayed, At The, Fremont BART Station's Trains' Platform<sup>(Actual)</sup>) guaranteed by the, Sixth Amendment Rights, Anh, Fourteenth Amendment Rights, of the, U.S. Constitution, "Conspiracy", "Covert Post-09/11/01 TERRORISM", "Covert PRE-03/11/04 - Madrid, Spain, Train's Multiple, Remote Control, Birth And, "Covert Child Abduction or Cause, (Conspiracy), Birth Certificate Fraud At Birth / Premeditated/Conspiracy

II. Plaintiff

22 The plaintiff in the 1970's (SEE: 11/18/72 COVERT TERROR) Through premeditated  
23 San Francisco, California 94132, since His birth in 1966,  
24 and this place of residence is His home base business office  
25 of Sole proprietorship, (DBA:) Doing Business As:  
26 "Too Sweet To Beat These Video Productions" since March 1999.  
27  
28

1 and also, HOME BASED BUSINESS OFFICE, of, Sole-Proprietorship  
2 (DBA:) Doing Business As: Futuristic Safety First, "Children Safety And  
3 Welfare Program", since, February, 1999.

4 III. Defendants

5 The defendants reside,  
6 on the, Date of Federal Law Causes Of Actions:  
7 July 09, 2003, were, "ALL", Civilian Employees,  
8 Employed by, (BART) Bay Area Rapid Transit, located at:  
9 306 Lakeside Street, Oakland, California 94612.

10 IV. Causes of Action

11 On July 09, 2003, Defendant #4, Bruce TURNER,  
12 while, On-Duty, BART Train Driver, Driving, RVN# 225,  
13 07/09/03, 1819 hrs. (1806 hrs.), Richmond Bound, "Intentionally,  
14 Deliberately, Willfully, with Premeditated Aforethought,  
15 plaintiff, could be, Covertly Kidnapped, and, Framed Up,  
16 (alleged) (actual), Intervicar Tires,  
17 DELAYED, His, said, BART Train, so that the, Onboard,  
18 plaintiff, could be, Covertly Kidnapped, and, Framed Up,  
19 for a, Crime of Grand Theft, Penal Code 487, Dirty Trick-  
20 Down Coded Triable Robbery, Penal Code 212.5(b), with  
21 Double Prison Time Exposure Due To Strikeable Offense At  
22 Jury Trial. This, Frame-Up, was, Co-Conspired, by:  
23 Defendant #4, Bruce TURNER's, Crimes, Share Overton, in  
24 Victim, Disguise in, Bicycle Transportation Industry, and,  
25 Charles Malone, PEN: APK014, COC# H-59893, in the Disguise,  
26 who, Actually Committed, Grand Theft Mountain Bikes,  
27 SIMULTANEOUSLY, at) Performance Bicycles, located at 1st,  
28 (6) six, miles away, from this above mentioned, Frame Up.

(3 of 11)

1 (Performance Bicycles, 39121 Fremont Hub, Fremont, CA. 94538) (Murray Street)

2 THE evidence of this herein, Conspiracy, was  
 3 captured on, Video, in the, Interior, Onboard, BART  
 4 Trains' Cars, RUV #: 325, July 09, 2003, (1819 hrs.) (1806 hrs.,  
 5 Video Surveillance Security Tapes, which were,  
 6 Deliberately, Intentionally, with Aforethought, ("Hidden"),  
 7 Concealed and, Suppressed, with, Official Animus, not in  
 8 accord to, BART's, normal, videotapes; preservation policy  
 9 and committed by, Defendant #3, Kenneth ("Ken") Dam,  
 10 who was a, Civilian Community Service Assistant, Graffiti  
 11 Detail, NOT, Authorized, to handle, BART Trains' Cars Video  
 12 Surveillance Security Tapes, on, July 09, 2003.

13 Defendant #2, Vincencio Gonzaga, on, Video Surveillance  
 14 Security Tape(s), ONBOARD, BART Train's Cars, RUV #: 325,  
 15 07/09/03, 1819hrs. (1806 hrs.), Richmond Board, at the,  
 16 Fremont BART station, Fremont, California 94538,

17 while the, Grand Theft Mountain Bike Take-up  
 18 Piece-Mall, was, SIMULTANEOUSLY, being, Committed,  
 19 by, His, Co-Conspirators, at, Performance Bicycles Store,  
 20 "Asked", the plaintiff to move to the, rear, of the,  
 21 BART Train's Cars (RUV #: 325), away, from, Co-Conspirators  
 22 Defendant #4, Bruce Turner's, BART Train Driver Front

23 Operator Compartment, (Bruce Turner) Accomplice, in the, July 12, 1981  
 24 Child Abduction of Cameo <sup>(Elroya) Plaintiff Ltr. 10/10/07 Birth Certificate</sup> TURNER, who is the, Plaintiff's,  
 25 Biological Daughter, STOLEN, at, Birth, Through, Persecuted  
 26 Vital Records Fraud (Birth Certificate, Falsification), by,  
 27 (4 of 11)

1 Defendant #4, Bruce TURNER, and, His, FOSTER -  
2 Relative, Co-Conspirator, Benjamin Arnold TURNER, and,  
3 Co-Conspirator, Maria Parker.) (is detector test)  
4 (cross-check chromosomes)  
5 (CC Civil Complaint No. 6  
6 CO5-1485 CW, and,  
7 CO5-1583 CW.)

Defendant #2, Vivencio Gonzaga, also had the  
need to herd the plaintiff to the REAR, last,  
BART Train's car, BLOCKING, for the, sole-purposes,  
of the, Conspired, <sup>Actual Grand Theft Perpetrator, Charles Malone,</sup> Grand Theft mountain Bicycle  
frame-up, Penal Code 487, to, Kidnap/Covetly Hijack,  
deprivation of person, through, Intentional Liberty  
of, (403) Four hundred and three, days, using, highly  
sophisticated, Post-09/11/01 Transportation Terror industry Operands,  
DELAYING, TIMING and, Calculating, while, DELAYING  
of at least, (100) One Hundred, BART Train's passenger, on,  
July 09, 2003, 1806 hrs., while, and, to, SIMULTANEOUSLY,  
Injures/Kidnap/Covetly Hijack, The Plaintiff, to,  
Intimidate and Dissuade, the Plaintiff, Federal  
Civil Complaints, in, Federal Civil Court Numbers:  
CO2-0102 CW and, CO3-1841 CW  
(cross-check Defendants' DNA Chromosomes)  
Civil Complaint, Defendants' DNA Chromosomes, in, Civil Complaint Number: CO3-0102 CW  
DNA: TURNER TO BALMY TO MAURICE (5 of 11)  
TO LOUIS TO CALDITO TO NICHOLAS (5 of 11)  
TO YO-YO TO TIN TO JONATHAN (5 of 11)  
TO WALTER TO CARROT TO JOHN (5 of 11)

1 These, On-Duty, Defendants, Civilian Employees,  
 2 ACTIONS, on, July 09, 2003, HOLDS, their, Employer,  
 3 Defendant #1, (BART) Bay Area Rapid Transit, "Liable"  
 4 for their employees', malicious, Deliberate, CRUEL,  
 5 Terrorist Actions, Premeditated, with official animus,  
 6 against the plaintiff, who they knew, was, Bailing-Out  
 7 of the, Elmwood Complex, Santa Clara County Jail, on  
 8 this, said, Date of: July 09, 2003, which would lead,  
 9 the plaintiff to the, VTA 180 Express Bus Route, in  
 10 route to the, Arresting, U.C. Berkeley Jail Facility,  
 11 in the, County of Alameda, via, Fremont BART Station -  
 12 to - Berkeley BART Station -  
 13 to, Pick-Up, His, (plaintiff's) PERSONAL PROPERTY i.e., Back Pack,  
 14 Legal materials, House Keys, ETC., Confiscated, COINCIDENCE  
 15 by the, Arresting, U.C. Berkeley Police Officer, AREANS #:  
 16 in the City of Berkeley, on, University Campus, for the,  
 17 Santa Clara County Arrest Warrant (#: BB153633), and  
 18 above mentioned Resulting, Bail Bond, EXPENSES/DAMAGES  
 19 ETC., Posted, on, July 09, 2003 (07/09/03), just, (2) Two,  
 20 Hours, prior to this herein <sup>109/110</sup> highly Sophisticated,  
 21 Criminal Frame-Up, by the defendants, much worse than  
 22 a, Slip And Fall Injury Onboard BART Premeditated  
 23 Against The Plaintiff?  
 24 I. PREVIOUS Lawsuits  
 25 1. Jerome L. Grimes  
 26 U.S. District Court, Northern District of California  
 27 Civil Complaint No.: CB3-1841GW  
 28 Filed: April 23, 2003  
 V. Kamala Duplesis  
 (Ex-BART Police Officer #: \_\_\_\_\_)  
 (Exact date UNKNOWN)  
 (6 of 11)

1 2. Jerome L. Grimes

v. 1. Radio Shack,  
2. Mr. Huynh,  
3. Mr. Hoang,  
4. Mr. Wielgolfer  
(cross-check claim names)

U.S. District Court, Northern District of California  
Civil Complaint No.'s: COG-3144CW, COB-4678CW,

COB-4337CW, COB-4544CW, COB-4722CW, COB-5456CW

3. Jerome L. Grimes

U.S. District Court, Northern District of California  
Civil Complaint No.: COB-5670CW, COB-5797CW, COB-5671CW

4. Jerome L. Grimes

v. Shane O'reilly, Linda Madlock,  
Deputy Montgomery #484, Jackie Robinson,  
Miles Madlock, Charel Malone,  
Performance Bicycles,

U.S. District Court, Northern District of California  
Civil Complaint No.: COB-4217CW, COG-7148CW

5. Jerome L. Grimes

v. Deputy Gillette #1458, Deputy Im #1305,  
Deputy Balmy #1587, Deputy Fung #1688,  
Deputy Daniels #1621,

U.S. District Court, Northern District of California  
Civil Complaint No.: COB-0102CW (Filed: January 08, 2002)

6. Jerome L. Grimes

v. Ken Davis, Bruce Turner,  
BART Detective, Parker #1212,  
Kamala Duglasis #1219, Sgt. Forshark #124,  
Virencio Gonzaga, BART Detective H. Alleson #1211,  
U.S. District Court, Northern District of California  
Civil Complaint No.: COB-4691EDL, COB-3739CW

## 1 VI. Remedy Exhausted

2 A diversified group of individuals have  
3 ENTERED THESE institutions with the intent to  
4 try to obtain immunity from prosecution, WHEN,  
5 not, If, they get caught for their, Premeditated,  
6 Highly Sophisticated, Crazy, Coincidental, Cooky,  
7 Exploitive, Suicidal, TERRORIST Acts, against the  
8 plaintiff, against the plaintiff's, Families, Network,  
9 Prospective Investors, Etc., as well as, against,  
10 OTHER, Citizens, and, Tourists, at, Home, and, Abroad.  
11 And it is a Known, FACT, that these diversified  
12 group of individuals will, NEVER, admit to a,  
13 Conspiracy.

## 14 VII. Relief Requested

15 An injunction preventing these defendants  
16 from working in the, "Transportation Industry,"  
17 "Hobby Craft-REMOTE CONTROL - Technologies Industry,"  
18 "Law Enforcement," "Medical And Dental Health -  
19 CARE Professions," "Hotel, Motel, Resort, And, Real -  
20 Estate Professions," "Food And Water Chain Industries,"  
21 "Child Day CARE Professions," "Elderly And Nursing -  
22 Home Health CARE Professions," "Foster And Mentally  
23 Challenged Home Health CARE Professions,"  
24 "Census Collecting Process," and, "Vital Records  
25 Clerical Processing And Data Entry Professions."  
26 At Home And Abroad.

1 A, Court ORDER, for the defendants to be  
2 Lie Detector Tested, as an, Anti-Terrorism Measure  
3 to ascertain their involvement in, Post-09/11/01 Terror  
4 and these, Federal Law Causes Of Actions, including  
5 but not limited to, PRE-09/11/01 TERRORISMS, such  
6 as the Premeditated, July 12, 1986 :  
7 (10/3/85 Halloween night) [7 months] (Abducted Child D.O.B. 17 of 9 months Conspiracy)  
8 October 31, 1985 - To - July 12, 1986 : COVERT New Born Child  
9 Abduction Of: Camille (TURNER) (Fraudulent Last Name Given At Birth Through Plaintiff's Abducted Biological Child (Female))  
10 Punitive Damages: \$ 3,100,000.00 (Three Million)  
11 Damages: \$ 1,713,000.00 (One Hundred Thousand Dollars)  
12 And Thirteen Thousand Dollars) which  
13 includes, but not limited to, Capital/Self  
14 Employment Wages, LOST, per day, at:  
15 \$ 3,000.00 (Three Thousand Dollars) Potential Per Day,  
16 for a total of: (403) Four Hundred And Three  
17 Days, of Continuous False Imprisonment Hardship  
18 (Jerome L. Grimes would have been Prospective Plaintiff)  
19 EARNING: \$ 3,000.00 (Three Thousand Dollars) per day.  
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1 On His Internet Website Home Based Business:  
2 Small Business Start-Up Video, SELLS, (DRA) Doing Business  
3 AS: Too Sweet To Beat THESE Video Productions, while,  
4 Continuing To Live His Life, while EXCERSING, His  
5 Right To The Pursuit Of (International) Happiness,  
6 doing business on the, World Wide Web Computer  
7 Internet Systems, as a, Videographer; producing  
8 advertising, marketing, Retailing, and, wholesale  
9 selling, His, Self-Produced, Works-of-Art: Small  
10 Business Start-Up Video Productions, as well as,  
11 Health, Fitness, And, Nutrition Video Productions.  
12 This, \$1,713,000.00 (One million Seven  
13 Hundred And Thirteen Thousand Dollars),  
14 includes, Injuries/Expenses Incurred, of:  
15 \$250.00 (Two Hundred And Fifty Dollars), per hour,  
16 Hours, Per Day, (6) Six, Days, per week, for a  
17 total of: (38) Thirty Eight, Weeks In-Custody Framed-  
18 Up Illegal False Imprisonment/Kidnapped Post-09/11/01,  
19 Hijacked, Equaling Monetary Costs, of: \$504,000.00  
20 (Five Hundred And Four Thousand Dollars).  
21 And in, Defendant #2, Virencio Gonzaga's  
22 individual capacity: \$150,000.00 (One Hundred And  
23 Fifty Thousand Dollars).

24 And in, Defendant #3, Kenneth "Ken" Davis, in D...  
25  
26  
27  
28

1 Capacity: \$210,000.00 (Two Hundred And Ten  
2 Thousand Dollars). BART Civilian Identification -  
3 Number: J-214.  
4 And in; Defendant #4 BRUCE TURNER's, individual  
5 Capacity: \$300,000.00 (Three Hundred Thousand Dollars  
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Dated: May 16, 2007

Jerome L. Grimes  
Jerome L. Grimes  
Plaintiff In Propper,

And,  
DIRECTOR/PRODUCER OF:  
Video Production

"Too Sweet To Beat This Small Business Start-Up Crash Course-  
Video Production" And,  
"Too Sweet To Beat This Healthy, Fitness, And, Nutrition

And,

"Children Futuristic Safety First:  
(1977-02/10/84) And Welfare Program"  
(10/31/85-07/27/86) Holloween Night)

(11/27/02 Thanksgiving Day)  
(09/11/01)

(12/27/04 Two(2) Days After Christmas)  
(07/12/86 D.O.B.)  
(11 of 11)

MAY 30 2007

## Proof Of Service

DISTRICT SECRETARY'S OFFICE

Jerome L. Grimes,  
Plaintiff

v.

1. (BART) Bay Area Rapid Transit  
 2. Virencio Gonzaga,  
 3. Kenneth "Ken" Dam,  
 4. Bruce TURNER,  
     Defendants.

I, Jerome L. Grimes,

May 30, 2007, I did personally deliver and serve the below mentioned documents to:

(BART) Bay Area Rapid Transit  
 — Non-Police Agency —  
 300 Lakeside Avenue  
 Oakland CA 94612

Documents:

1. Original Civil Complaint #: CO7-80138CW, misc., Filed, Max 30, 2007
2. Notice Of Demand, for, Civil Monetary Settlement In Lieu Of Civil Summons And Prosecution In The U.S. District Court.
3. Proof Of Service.

I declare under the penalty of perjury that the foregoing is true and correct.  
 263 Vernon St., S.F., CA 94132  
 (415) 584-1454(H.) (415) 624-5892(Bus.)

Civil Complaint No.  
 CO7-80138CW  
 [Misc.]

(Non-Police Agency) (155) re: 05/30/07  
 Delivered by:  
 Jack Wilson & Edward  
 Deport Ass't. Dist. Secy  
 JEROME L. GRIMES

Jerome L. Grimes  
 Jerome L. Grimes

One  
MAY 30 2007  
DISTRICT SECRETARY'S OFFICE

IV. NOTICE OF DEMAND  
FOR CIVIL DAMAGES MONETARY UNITS AWARD  
MONETARY SETTLEMENT IN LIEU OF CIVIL PROSECUTIONS  
OF THE BELOW MENTIONED CIVIL COMPLAINTS  
U.S. District Court, Northern District of California, CASE #:<sup>Civil</sup> C07-801384C

JEROME L. GRIMES v. (BART) Bay Area Rapid Transit, et al.  
Dear, (BART) Bay Area Rapid Transit, And/or, Their,  
Non-Police Agency  
Representatives:

In lieu of, Summons, and/or Prosecutions, I, Submit, this, Notice Of Demand.

I am giving this, Notice Of Demand, for,  
Civil Monetary Settlement, for the, Due Process Clause,  
VIOLATION, of, Me, (Jerome L. Grimes, Plaintiff, Attorney),  
Fourteenth Amendment Rights, guaranteed by the,  
U.S. Constitution.

Right To The Preservation Of Exculpatory (Exonerating)  
Evidences, i.e., BART RUN #: 225, July 09, 2003, <sup>Lisabeth</sup>  
Onboard, Interior, Video Surveillance Security Tapes,  
Multiple, Videotapes, at the, Fremont BART Station Platform,  
at least, (6) Six, Onboard, Interior, Videos, total in numbers,  
Destroyed, Lost, or, Not Preserved, with a, Conscious  
Effort To Suppress These Videos' Exculpatory  
Exonerating Evidence To The Herein, Plaintiff,  
Jerome L. Grimes, Hidden/Lost/Destroyed, by, Defendant,  
Kenneth "Ken" Dam, et., al., through means not in  
accord to, BART's, normal practices.

This above mentioned, official Animus, and,  
DUE PROCESS OF LAW, VIOLATION, by these above  
mentioned, BART Civilian Employees, on, July 09, 2003,  
is, Holding, their Employer, BART, Defendant #1, LIABLE,  
for the, (403) Four Hundred And Three, Days, of, False  
Imprisonment/Liberty Deprivation, much, worse, THAN,  
, Slip And Fall, Onboard, BART's, Baggage, Jerome L. Grimes

Dated: May 29, 2007

7-05-2007  
Factual Date: 05/12/2007; Victim Review (7 of 1)  
(07/31/07)  
Factual Date: 05/12/2007; Victim Review (7 of 1)

Jerome L. Grimes  
plaintiff, In this case

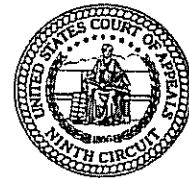
Recently extended.

**EXHIBIT C**



Cathy A. Catterson  
Clerk of Court

Office of the Clerk  
**United States Court of Appeals for the Ninth Circuit**  
 95 Seventh Street  
 Post Office Box 193939  
 San Francisco, California 94119-3939



(415) 355-8000

May 15, 2007

USDC, San Francisco  
 Northern District of California (San Francisco)  
 Federal Building  
 P.O. Box 36060  
 San Francisco, CA 94102

No.	Title	Agency/D.C. No.
05-16839	Grimes v. BART	CV-04-04691-EDL

Dear Clerk:

The following document in the above listed cause is being sent to you under cover of this letter.

- *Certified copy of the Decree of the Court*

The record on appeal will follow under separate cover. Please acknowledge receipt on the enclosed copy of this letter.

Very truly yours,

Cathy A. Catterson  
Clerk of Court

By: Howard Hom  
Deputy Clerk

Enclosure(s)  
cc: All Counsel

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JEROME L. GRIMES,

Plaintiff - Appellant,

v.

BAY AREA RAPID TRANSIT, Police  
Department; et al.,

Defendants - Appellees.

No. 05-16839  
D.C. No. CV-04-04691-EDL

**JUDGMENT**

Appeal from the United States District Court for the Northern District of California (San Francisco).

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Northern District of California (San Francisco) and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is **AFFIRMED**.

Filed and entered Wednesday, January 17, 2007

-----  
Lesley L. Novotny Esq.  
LOW BALL & LYNCH  
7th Fl.  
505 Montgomery St.  
San Francisco, CA 94111-2584

-----

hh  
05-16839

FILED

MAY 07 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

(P)

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JEROME L. GRIMES,

Plaintiff - Appellant,

v.

BAY AREA RAPID TRANSIT, Police  
Department; et al.,

Defendants - Appellees.

No. 05-16839

DC # CV-04-04691-EDL  
Northern California  
(San Francisco)

ORDER

Before: ALARCÓN, HALL, and PAEZ, Circuit Judges

The petition for panel rehearing is denied.

No further filings will be accepted in this closed case.

**FILED**

**NOT FOR PUBLICATION**

**JAN 17 2007**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JEROME L. GRIMES,

No. 05-16839

Plaintiff - Appellant,

D.C. No. CV-04-04691-EDL

v.

BAY AREA RAPID TRANSIT, Police  
Department; et al.,

MEMORANDUM\*

Defendants - Appellees.

Appeal from the United States District Court  
for the Northern District of California  
Elizabeth D. Laporte, Magistrate Judge, Presiding \*\*

Submitted January 8, 2007 \*\*\*

Before: ALARCÓN, HALL, and PAEZ, Circuit Judges.

Jerome L. Grimes appeals pro se from the district court's summary judgment in favor of defendants in his 42.U.S.C. § 1983 action alleging

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The parties consented in writing to proceed before a magistrate judge.

\*\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

defendants violated his due process rights by failing to preserve exculpatory evidence in the form of a video surveillance tape. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Buono v. Norton*, 371 F.3d 543, 545 (9th Cir. 2004), and we affirm.

The district court properly concluded that Grimes failed to create a triable issue as to whether defendants' destruction of the surveillance videotape amounted to a due process violation, because the evidence shows Grimes could have obtained exculpatory evidence by other reasonably available means, and Grimes failed to demonstrate that defendants acted in bad faith. *See United States v. Cooper*, 983 F.2d 928, 931 (9th Cir. 1993) (stating requirements for due process claims arising from the government's failure to preserve evidence).

Because the district court properly dismissed Grimes's 42 U.S.C. § 1983 claim, the court did not abuse its discretion in declining to exercise supplemental jurisdiction over the remaining state law claims pursuant to 28 U.S.C. § 1337(c)(3). *See Warren v. Fox Family Worldwide, Inc.*, 328 F.3d 1136, 1143 n.7 (9th Cir. 2003).

Grimes's remaining contentions lack merit.

**AFFIRMED.**

*3pm 17 Jan 2007***FILED****NOT FOR PUBLICATION****(P) JAN 17 2007**

## UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

## FOR THE NINTH CIRCUIT

JEROME L. GRIMES,

No. 05-16839

Plaintiff - Appellant,

D.C. No. CV-04-04691-EDL

v.

MEMORANDUM \*

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Grimes's remaining contentions lack merit.

**AFFIRMED.**